

1 (In open court.)

2 THE COURT: Let's move to Innovatio.

3 THE CLERK: 11 C 9308, Innovatio Ventures.

4 MR. McANDREWS: Good morning, your Honor. On behalf
5 of plaintiff Innovatio, Matt McAndrews, Niro Haller.

6 THE COURT: Good morning.

7 MR. SPUHLER: Good morning, your Honor. Hank Spuhler
8 from McAndrews also on behalf of Innovatio.

9 MR. MARLOTT: Good morning, your Honor. John Marlott
10 on behalf of Texas Instruments.

11 THE COURT: Good morning. I appreciate your status
12 report you filed on the 15th. I fully understand where you are
13 at this point.

14 Let me say I'm in full agreement. I think focusing on
15 discovery that's directed to damages notice, indirect
16 infringement issues, the marking and notice requirements and
17 the potential liability for indirect infringement based on
18 foreign sales are things that we should focus on. And I
19 appreciate that you understand that.

20 So I was going to put a deadline. I was going to give
21 you the 90 days. You said 60 to 90 days. I was going to give
22 you the 90 days. That actually takes us into December,
23 December 18. And I was going to set the case for further
24 status either on the 18th or the following Tuesday.

25 The following Tuesday, we're getting into Christmas

1 week. I do have some cases coming in. But let me ask your
2 preference. We're going to close discovery that day. That's
3 the 90 days that you were thinking you'd focus on. Thursday,
4 the 18th, is that better for you?

5 MR. McANDREWS: Thursday, the 18th December?

6 THE COURT: Yeah, that's a Thursday.

7 MR. MARLOTT: Works for the defendants, your Honor --
8 for defendant.

9 MR. McANDREWS: That works for -- that works for
10 plaintiff, yeah.

11 THE COURT: And I will try to make that call a little
12 more efficient so we didn't keep you sitting here while we're
13 discussing the Juvenile Detention Center at Cook County, all
14 right?

15 Anything else we need to address?

16 MR. MARLOTT: The only other issue, your Honor, I
17 mean, part of the approach that we've come up with is that
18 first, they're going to identify for us what the asserted
19 claims are on the patent. So if we can get a date from
20 Mr. McAndrews on that.

21 THE COURT: Okay. When can that be accomplished?

22 MR. McANDREWS: We'll take a week. Mr. Spuhler
23 whispered to me "tomorrow." I have a Markman hearing tomorrow,
24 so that's a little ambitious. That was the reason for the
25 pause. If you could give us a week.

1 THE COURT: All right. A week from today, of course,
2 takes us to the 25th. If you can do it by the 25th, then we
3 can get underway on that. I have a feeling that you have a
4 pretty good grasp of it right now.

5 MR. McANDREWS: We do. We just want to...

6 THE COURT: And let me tell you where I'm intending to
7 go. I know there's comments in your written status report that
8 you're intending at least -- TI's intending to file one or more
9 motions for summary judgment regarding recovery of damages.

10 And I know you've had a lot of discussions with Judge
11 Schenkier. I would like to -- before the filing of those
12 potentially dispositive motions on some of these issues, I
13 would like to sit down with you again or have you sit down with
14 Judge Schenkier or perhaps I sit down with you again or sit
15 down with you and see if we can resolve the gap that you now
16 have after you now -- after you will have all the information
17 that's going to be available to you by that time, okay?

18 I won't do it over the Christmas holiday period, but
19 we can perhaps set a date in the spirit of the holiday period
20 after the new year.

21 MR. McANDREWS: We -- that's great, your Honor. We
22 actually have been exchanging e-mails about that very concept.

23 THE COURT: Oh, good.

24 MR. McANDREWS: A pre dispositive motion meeting with
25 you, Judge Schenkier or perhaps the both of you.

1 THE COURT: Oh, okay. All right. Well, we can talk
2 about that in December after you've been able to gather the
3 information that you need to gather.

4 MR. McANDREWS: That would be great.

5 THE COURT: All right. Thank you all. Again, I
6 apologize for the delay in getting you up here, but I
7 appreciate your understanding.

8 MR. McANDREWS: Thanks, your Honor.

9 (Concluded at 9:32 a.m.)

10 * * * * *

11 C E R T I F I C A T E

12 I certify that the foregoing is a correct transcript of the
13 record of proceedings in the above-entitled matter.

14
15 /s/ LISA H. BREITER
16 LISA H. BREITER, CSR, RMR, CRR
Official Court Reporter

September 22, 2014

17

18

19

20

21

22

23

24

25